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*Attorneys for Plaintiffs Soundview Elite LTD.,
and Vanquish Fund Ltd.*

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	:	SOUTHERN DISTRICT OF NEW YORK
	:	
	:	
SOUNDVIEW ELITE LTD., and	:	
VANQUISH FUND LTD.,	:	
	:	
Plaintiffs,	:	
	:	Civil Action No. 13 cv 06895 (AT)
-against-	:	
	:	DECLARATION OF
GERTI MUHO and LEVERAGED	:	PETER C. HARVEY, ESQ.
HAWK, INC.	:	
	:	
Defendants.	:	
	:	
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I, PETER C. HARVEY, ESQ., hereby declare under penalty of perjury that the following is true and correct:

1. I am a member of the law firm of Patterson Belknap Webb & Tyler LLP (“Patterson Belknap”). I submit this Affidavit in support of Plaintiff Soundview Elite Ltd. and Vanquish Fund Ltd.’s (“Plaintiffs”) Memorandum of Law in Opposition to Defendants’ Motion to Dismiss.

2. Plaintiffs are organized under the laws of the Cayman Islands and are located at dms Corporate Services Ltd., dms House, 20 Genesis Close, Grand Cayman KY-1108.

3. Defendant Leveraged Hawk, Inc. (“Leveraged Hawk”) is a corporate entity formed under the laws of the State of Delaware on April 29, 2013. It is owned and controlled by Defendant Gerti Muho (“Muho”). (A true and correct copy of the Delaware Department of State, Division of Corporations entity record for Leveraged Hawk is attached to this Affidavit as **Exhibit A.**)

4. Leveraged Hawk is registered as a foreign corporation with the New York Department of State. According to my research, Leveraged Hawk maintains no office, has no employees or legitimate phone number, and conducts no legitimate business in New York State. (A true and correct copy of the New York State Department of State, Division of Corporations entity record for Leveraged Hawk is attached to this Affidavit as **Exhibit B.**)

5. On July 25, 2013, Muho filed a complaint on behalf of Leveraged Hawk in the United States District Court for the Northern District of California. In that complaint, Muho stated that he resided in Berkley, California and provided an address 2428 Sacramento Street. Muho further stated that Leveraged Hawk “is located at Suit[e] 100 at 1679 S. DuPont Hwy. in the City of Dover in the State of Delaware.” (A true and correct copy of the complaint filed in Case No. 13-3469-KAW in the United States District Court for the Northern District of California is attached to this Affidavit as **Exhibit C.**)

6. On August 9, 2013 United States Magistrate Judge Kandis A. Westmore filed an Order dismissing, *sua sponte*, the complaint on the ground that Muho was not an attorney licensed to practice law in the Northern District of California and could not represent Leveraged Hawk *pro se*. (A true and correct copy of the Order dismissing the complaint filed in Case. No. 13-03469 is attached to this Affidavit as **Exhibit D.**)

7. On September 19, 2013, Plaintiffs wrote to Muho at his alleged Berkley address demanding return of the \$2,067,377.24 stolen from Soundview's account. (A true and correct copy of the September 19, 2013 letter sent by Plaintiffs to Muho at 2428 Sacramento Street, Berkley, California is attached to this Affidavit as **Exhibit E.**)

8. On September 20, 2013, Plaintiffs e-mailed a copy of the same letter to Muho at *gm@gmcapital.net*. (A true and correct copy of a September 20, 2013 e-mail sent by Elizabeth Riordan, Esq. to Muho at *gm@gmcapital.net* is attached to this Affidavit as **Exhibit F.**)

9. Muho responded by e-mail the following day, requesting that all future correspondence be sent to *gm@gmcapital.net*. In that e-mail, Muho also provided the following addresses for himself and/or an organization called GM Capital Management, Inc.: 42 Broadway, 36th New York, New York and 1 Market St. 3600, San Francisco, California. (A true and correct copy of the September 21, 2013 e-mail from Muho to Elizabeth Riordan, Esq. is attached to this Affidavit as **Exhibit G.**)

10. Plaintiffs had reason to believe that Muho resided, at least temporarily, in the State of New York at 20 Exchange Place, Number 4504 in New York, New York and/or 6031 Grove Street in Ridgewood, New York, at the time the Complaint was filed in this case. Accordingly, Plaintiffs suspected that the California and New York addresses provided by Muho in his e-mail may have been false.

11. On October 2, 2013, Plaintiffs' suspicions regarding the addresses provided by Muho were confirmed when an elderly couple, after receiving court papers related to litigation involving Muho, contacted our law offices and informed my colleague that they had resided at 2428 Sacramento Street in Berkley, California for nearly 30 years and had never heard of Muho.

12. This information from the elderly couple revealed that Muho had filed a false pleading in federal court in California.

13. Plaintiffs were not aware that Muho had moved to the State of Florida and established his domicile there by June of 2013, as demonstrated in “Defendants Affidavit No. 03: GM Threatened Away from New York and Sued Ex Parte Under False Oaths,” filed in this Court on February 28, 2014.

14. We have recently reviewed Muho’s credit card records, obtained through subpoenas pursuant this action. Those records, showing numerous purchases made in the State of Florida the week of September 27, 2013, including for heating and/or plumbing services, corroborate that Muho was in the State of Florida when the Complaint was filed. (A true and correct copy of American Express records for the Platinum Card Account belonging to Muho and ending in 1-35002 is attached to this Affidavit as **Exhibit H.**)

15. On February 14, 2014 Muho filed a lawsuit in the United States District Court for the Southern District of Florida against approximately 46 individuals and entities, including Plaintiffs’ counsel, alleging violations of the Sherman and Clayton Acts as well as violations of the Civil Rights Act. In that complaint, Muho stated that he “resides in Miami Florida” at 1100 Biscayne Blvd., 5303. (A true and correct copy of the complaint filed in Case No. 1:14-cv-20568-KMM is attached to this Affidavit as **Exhibit I.**)

16. On February 18, 2014, the Honorable K. Michael Moore filed an Order, *sua sponte*, dismissing the complaint as “incoherent and incomprehensible.” (A true and correct copy of the docket sheet for Case No. 1:14-cv-20568-KMM is attached to this Affidavit as **Exhibit J.**)

Executed on: March 25, 2014

/s/ Peter C. Harvey
PETER C. HARVEY